

DISTRICT COURT OF THE VIRGIN ISLANDS)
DIVISION OF ST. THOMAS AND ST. JOHN) :SS

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Andrew Hayden, being duly sworn under oath, do hereby depose and state:

1. I am a Special Agent with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and I have been employed in this capacity since May 2017. I am a graduate of the Criminal Investigator Training Program and the HSI Special Agent Training Academy. Because of my employment with HSI, my duties include, but are not limited to, the investigation and enforcement of Titles 8, 18, 19, 21 and 31 of the United States Code (U.S.C.). I am an "investigative or law enforcement officer of the United States" within the meaning defined in 18 U.S.C. § 2510(7), in that I am an agent of the United States authorized by law to conduct investigations of, and make arrests for, federal offenses.

2. The statements contained in this affidavit are based upon my personal knowledge, as well as information provided to me by other law enforcement officials. All observations not personally made by me were related to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during this investigation.

3. This affidavit contains information necessary to support probable cause for this complaint, and is not intended to include each and every fact and matter observed by me or known to the United States Government.

4. This affidavit is made solely for the limited purpose of setting forth probable cause to believe that Arkim CLERSAINT and Le Shaun FAHIE knowingly and willfully

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entered the United States at a time and place other than as designated by Immigration Officers, in violation of Title 8 U.S.C. § 1325, and Kalik AARON, knowing that such persons are aliens, brought to, or attempted to bring to the United States, in any manner whatsoever, such persons at a place other than a designated port of entry, in violation of Title 8 U.S.C. § 1324(a)(1)(A)(i).

5. On August 25, 2019, at approximately 9:00 p.m., United States Customs and Border Protection (CBP), Marine Interdiction Agents (MIA) interdicted a maritime vessel off the coast of St. John, USVI. CBP MIA's witnessed the vessel leave British Virgin Islands waters and enter into United States waters near St. John, VI. The vessel was operating without proper night lighting. The MIAs conducted a maritime interdiction of the vessel and discovered two (2) aliens and one (1) United States citizen onboard. The aliens were identified as Arkim CLERSAINT and Le Shaun FAHIE, both citizens of St. Lucia. Records checks conducted by the MIAs revealed CLERSAINT legally entered the United States on August 25, 2018, pursuant to a Legal Permanent Resident application, for a period of one year. CLERSAINT's status, however, expired on August 24, 2019. FAHIE was legally admitted into the United States, pursuant to a 8 CFR 212.1(b), which expired when he departed the United States on August 25, 2019. Both CLERSAINT and FAHIE provided the MIAs with St. Lucian passports. The MIAs identified the vessel captain as Kalik AARON, a United States citizen.

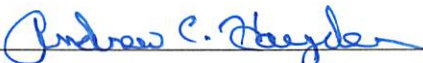
6. Kalik AARON explained to the affiant that all three (3) individuals departed St. Thomas on the evening of August 25, 2019, onboard the vessel that was interdicted by

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CBP MIAs. AARON stated that they traveled to Jost Van Dyke, British Virgin Islands, for a few hours before returning to St. John at a time and place not designated as a port of entry. AARON further stated that all three (3) individuals intended to check in at a designated port of entry when the opportunity was available. All three (3) individuals resides of in St. Thomas, VI.


7. Based on my training and experience, I respectfully submit to the Court that probable cause exists to believe that on or about August 25, 2019, in St. Thomas, within the District of the Virgin Islands, Arkim CLERSAINT and Le Shaun FAHIE knowingly and willfully entered the United States at a time and place other than as designated by Immigration Officers, in violation of Title 8 U.S.C. § 1325, and Kalik AARON, knowing that such persons are aliens, brought to, or attempted to bring to the United States, in any manner whatsoever, such persons at a place other than a designated port of entry, in violation of Title 8 U.S.C. § 1324(a)(1)(A)(i).

Dated: August 26, 2019



Andrew Cason Hayden, Special Agent
Homeland Security Investigations

SUBSCRIBED AND SWORN to before me on this 25th day of August, 2019.



HONORABLE RUTH MILLER
United States Magistrate Judge